

United States Senate  
WASHINGTON, DC 20510

485  
Consumers  
TCPA

May 14, 2015

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

Dear Chairman Wheeler:

In January, we wrote to you and urged the Federal Communications Commission (FCC) not to weaken the privacy protections contained in the Telephone Consumer Protection Act (TCPA) of 1991. These protections prevent auto-dialers from making unsolicited and intrusive calls to consumers at home or on their mobile phones. More than 20 years after the enactment of the TCPA, it is clear that consumers have benefited from the law's popular privacy protections.

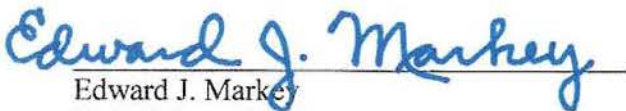
Unfortunately, we understand that the FCC is considering weakening some of these important protections. Specifically, the Commission is assessing whether the FCC should provide exemptions from liability when auto-dialers are used to make three calls to a person who has not provided consent. The FCC is also evaluating whether to allow industries to send up to three unsolicited texts or calls per day without consent in certain circumstances. These proposals would threaten privacy and result in an increase in disruptive and annoying calls for American consumers.

Current law already permits industries to make unsolicited calls to consumers so long as the consumer's number is manually dialed. Additionally, companies can auto-dial a consumer's phone number with a consumer's consent. Accordingly, there is no need to make the proposed changes to the TCPA.

Consumers already believe they receive too many unwanted calls and texts. The Federal Trade Commission reported more than three million telemarketing complaints and the FCC reported more than 100,000 in recent years. The potential changes to the TCPA could make matters worse. We strongly urge the FCC to maintain the TCPA's privacy protections and to continue to protect consumers from unwanted calls.

Thank you for your attention to this issue.

Sincerely,

  
Edward J. Markey

United States Senator

  
Charles E. Schumer

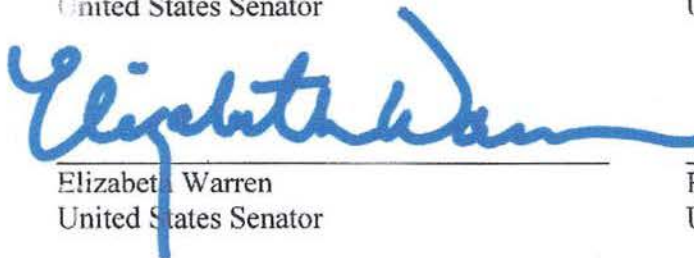
United States Senator



Ron Wyden  
United States Senator



Claire McCaskill  
United States Senator



Elizabeth Warren  
United States Senator



Richard Blumenthal  
United States Senator



Amy Klobuchar  
United States Senator



Tammy Baldwin  
United States Senator



Jeff Merkley  
United States Senator



Al Franken  
United States Senator



Robert Menendez  
United States Senator





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 15, 2015

The Honorable Tammy Baldwin  
United States Senate  
717 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.<sup>1</sup> We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."<sup>2</sup>

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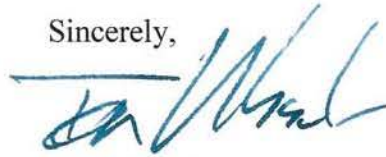
<sup>1</sup> See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

<sup>2</sup> 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line drawn above the first part of the signature.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 15, 2015

The Honorable Richard Blumenthal  
United States Senate  
702 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

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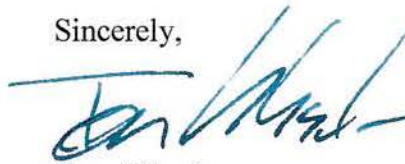
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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 15, 2015

The Honorable Al Franken  
United States Senate  
309 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

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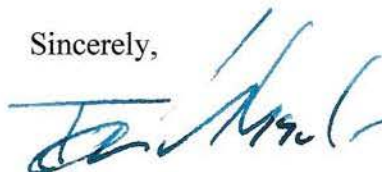
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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 15, 2015

The Honorable Amy Klobuchar  
United States Senate  
302 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 15, 2015

The Honorable Edward J. Markey  
United States Senate  
218 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

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